

## PENT COOPERATION TRE

From the INTERNATIONAL BUREAU

PCT

**NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT**

(PCT Administrative Instructions, Section 411)

Date of mailing (day/month/year)
09 May 2000 (09.05.00)

To:

OYER, Timothy, J.  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
ETATS-UNIS D'AMERIQUE

Applicant's or agent's file reference F0397/7050WO	<b>IMPORTANT NOTIFICATION</b>
International application No. PCT/US99/16950	International filing date (day/month/year) 27 July 1999 (27.07.99)
International publication date (day/month/year) 10 February 2000 (10.02.00)	Priority date (day/month/year) 27 July 1998 (27.07.98)
Applicant FOCAL, INC. et al	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, **the attention of the applicant is directed to Rule 17.1(c)** which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, **the attention of the applicant is directed to Rule 17.1(c)** which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
27 July 1998 (27.07.98)	60/094,222	US	26 April 2000 (26.04.00)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. (41-22) 740.14.35	Authorized officer  R. Chrem  Telephone No. (41-22) 338.83.38
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## PATENT COOPERATION TREATY

## PCT

INVITATION TO CORRECT  
PRIORITY CLAIM

(PCT Rules 4.10, 26bis.1, 26bis.2(a) and (b))

From the INTERNATIONAL BUREAU

To:

OYER, Timothy, J.  
 Wolf, Greenfield & Sacks, P.C.  
 600 Atlantic Avenue  
 Boston, MA 02210  
 ÉTATS-UNIS D'AMÉRIQUE

Date of mailing (day/month/year) 04 October 1999 (04.10.99)		
Applicant's or agent's file reference F0397/7050WO	REPLY DUE	See item 1
International application No. PCT/US99/16950	International filing date (day/month/year) 27 July 1999 (27.07.99)	
Applicant FOCAL, INC.		

The applicant is hereby invited, within the time limit indicated below, to correct, by a notice submitted to the International Bureau, defects in the priority claim(s), as indicated in the Annex:

## 1. Time limit to respond to this invitation (Rule 26bis.1(a)):

- within 16 months from the (earliest) priority date; or
- if the (earliest) priority date is changed as a result of the correction or addition of the (earliest) priority claim, within 16 months from that (earliest) priority date so changed,

whichever expires first, provided that such a notice may, in any event, be submitted until the expiration of four months from the international filing date.

Failure to respond to this invitation within the prescribed time limit may result in the priority claim concerned to be considered, for the purposes of the procedure under the PCT, not to have been made (Rule 26bis.2(b)).

## 2. In the case where multiple priorities have been claimed, this invitation relates to the following priority claim(s):

## 3. A copy of this invitation is being sent to the receiving Office.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer R. Chrem
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

The International Bureau has found the following defects in the priority claim(s):

**1. Failure to Comply with the Requirements of Rule 4.10**

a.  **National application**

- Missing indication of the filing date of the earlier application.
- Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.
- Missing indication of the number of the earlier application.\*
- Missing indication of the country party to the Paris Convention for the Protection of Industrial Property in which the earlier national application was filed.
- The country indicated is not party to the Paris Convention for the Protection of Industrial Property.

b.  **Regional application**

- Missing indication of the filing date of the earlier application.
- Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.
- Missing indication of the number of the earlier application.\*
- Missing indication of the authority entrusted with the granting of regional patents under the applicable regional patent treaty.
- The authority indicated as the authority entrusted with the granting of regional patents does not grant regional patents.
- The priority claim in relation to the ARIPO application does not indicate at least one country party to the Paris Convention for the Protection of Industrial Property for which the earlier application was filed.

c.  **International application**

- Missing indication of the filing date of the earlier application.
- Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.
- Missing indication of the number of the earlier application.\*
- Missing indication of the receiving Office with which it was filed.

**2. Inconsistency with the Corresponding Indications in the Priority Document\***

a.  Inconsistency with regard to the filing date of the earlier application:

The request indicates: 27 July 1998 (27.07.98)

The priority document indicates: 27 July 1997 (27.07.97)

b.  Inconsistency with regard to the number of the earlier application:

The request indicates:

The priority document indicates:

c.  Inconsistency with regard to the country party to the Paris Convention for the Protection of Industrial Property in which the **national** application was filed:

The request indicates:

The priority document indicates:

d.  Inconsistency with regard to the authority entrusted with the granting of **regional patents** under the applicable regional patent treaty:

The request indicates:

The priority document indicates:

e.  Inconsistency with regard to the receiving Office with which the **international** application was filed:

The request indicates:

The priority document indicates:

\* Even if this defect is not corrected in response to this invitation, the priority claim concerned will not be considered not to have been made (Rule 26bis.2(b)).

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>F0397/7050W0</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 99/ 16950</b>	International filing date (day/month/year) <b>27/07/1999</b>	(Earliest) Priority Date (day/month/year) <b>27/07/1998</b>
Applicant <b>FOCAL, INC. et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2.  **Certain claims were found unsearchable (See Box I).**

3.  **Unity of Invention is lacking (see Box II).**

4. With regard to the title,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the abstract,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

as suggested by the applicant.

because the applicant failed to suggest a figure.

because this figure better characterizes the invention.

1

None of the figures.

**INTERNATIONAL SEARCH REPORT**

International application No.

PCT/US 99/ 16950

**Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)**

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: **3, 9, 10, 11, 47, 48**  
because they relate to subject matter not required to be searched by this Authority, namely:  
**RULE 39.1(iv) PCT-Method for treatment of the human or animal body by surgery**
2.  Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

**Remark on Protest**

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

**INTENT COOPERATION TREATY**

*IPD*

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

YOYER, T.  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
ETATS-UNIS D'AMERIQUE

**PCT**

**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

(PCT Rule 71.1)

Date of mailing (day/month/year)	10.08.2000
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Applicant's or agent's file reference F0397/7050WO	<b>IMPORTANT NOTIFICATION</b>	
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International application No. PCT/US99/16950	International filing date (day/month/year) 27/07/1999	Priority date (day/month/year) 27/07/1998
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Applicant FOCAL, INC. et al.
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1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

**4. REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

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Doctet Gross Off	<input type="checkbox"/>
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Confirmation	<input type="checkbox"/>

Name and mailing address of the IPEA/	Authorized officer
---------------------------------------	--------------------

 European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Kiepe, C Tel. +49 89 2399-2423
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AUG 16 2000	
	

## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference  F0397/7050WO	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No.  PCT/US99/16950	International filing date (day/month/year)  27/07/1999	Priority date (day/month/year)  27/07/1998
International Patent Classification (IPC) or national classification and IPC  A61M1/00		
Applicant  FOCAL, INC. et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input checked="" type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>		

Date of submission of the demand  28/02/2000	Date of completion of this report  10.08.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Alvazzi Delfrate, S  Telephone No. +49 89 2399 7450



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/16950

## I. Basis of the report

1. This report has been drawn on the basis of (substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

### Description, pages:

1-13 as originally filed

### Claims, No.:

1-57 as originally filed

### Drawings, sheets:

1/1 as originally filed

2. The amendments have resulted in the cancellation of:

the description, pages:  
 the claims, Nos.:  
 the drawings, sheets:

3.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

## III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

the entire international application.  
 claims Nos. .

because:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/US99/16950

the said international application, or the said claims Nos. 3,9-11,47,48 relate to the following subject matter which does not require an international preliminary examination (*specify*):

**see separate sheet**

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1,2,4-8,12-46,49-57 are so unclear that no meaningful opinion could be formed (*specify*):

**see separate sheet**

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos. .

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/16950

**e Item III**

**Non-establishment of opinion with regard to novelty, inventive step and  
industrial applicability**

1. Although claims 1, 2, 16, 17, 18, 46, and 49 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, the claims do not meet the requirements of Article 6 PCT and it is not possible to establish a meaningful opinion.

2. For the assessment of the present claims 3, 9-11, 47 and 48 on the question whether they are industrially applicable, no unified criteria exist in the PCT. The IPEA therefore is not required to carry out an examination on these claims (Cf. Rule 67.1(iv) PCT).

The patentability may be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to methods of treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body.

The above claims pertain to a method for conducting endoscopic surgery. The claimed method comprises the step of delivering a therapeutic agent. This step implies insertion of the device into a treatment site internally of a patient, which is a surgical step.

Surgical methods, however, might not be regarded as inventions susceptible of industrial application.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/16950

**Re Item VII**

**Certain defects in the international application**

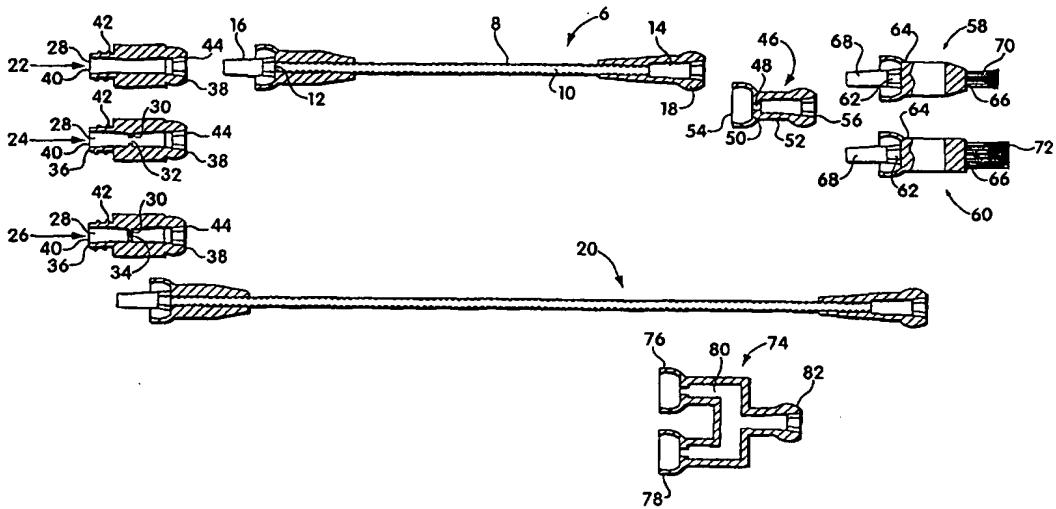
1. Claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, with those features known in combination from the prior art (document **DE-A-19 518 801=D1** which appears to be the closest prior art) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
2. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
3. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document **D1** is not mentioned in the description, nor is this document identified therein.



## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification 7 : <b>A61M 1/00, A61B 17/00</b>		A1	(11) International Publication Number: <b>WO 00/06216</b> (43) International Publication Date: 10 February 2000 (10.02.00)
(21) International Application Number: <b>PCT/US99/16950</b> (22) International Filing Date: 27 July 1999 (27.07.99)  (30) Priority Data: 60/094,222 27 July 1998 (27.07.98) US		(81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).	
(71) Applicant (for all designated States except US): FOCAL, INC. [US/US]; 4 Maguire Road, Lexington, MA 02173 (US).  (72) Inventors; and (75) Inventors/Applicants (for US only): KIRWAN, John, M. [US/US]; 427 Winter Street, North Andover, MA 01845 (US). PICHON, Dean, M. [US/US]; 20 Bow Street, Arlington, MA 02474 (US). KABLICK, J., Jeffrey [US/US]; 9 Old Stonehill Road, Tyngsboro, MA 01879 (US). HERMAN, Stephen, Jack [US/US]; 28 Summer Street, Andover, MA 01810 (US). BROMANDER, Thomas, S. [US/US]; 28 Candeewood Drive, Andover, MA 01810 (US).  (74) Agent: OYER, Timothy, J.; Wolf, Greenfield & Sacks, P.C., 600 Atlantic Avenue, Boston, MA 02210 (US).			

## (54) Title: UNIVERSAL MODULAR SURGICAL APPLICATOR SYSTEMS



## (57) Abstract

A modular system is described for construction of fluid applicators for open or endoscopic surgery from modular components. Lengths of tubing of various lengths, and devices to be carried by said tubing, are pre-fitted with standard adapters to mate with each other, thereby forming cannula sections and applicator sections. Interconnectors may also be provided, particularly for provision of articulation. The tubing is preferably rigid, but may also be either flexible or permanently bendable. A device can then be constructed by selection of a suitable set of tubing lengths, adapters and applicators. Devices customizable for particular uses can be created with minimal expense. The system is especially suitable for delivery of fluids to tissue in endoscopic or other minimally invasive surgical procedures. Delivery of fluids forming structure at a tissue site, especially as a hydrogel, is a preferred use of the devices.

**FOR THE PURPOSES OF INFORMATION ONLY**

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
AM	Armenia	FI	Finland	LT	Lithuania	SK	Slovakia
AT	Austria	FR	France	LU	Luxembourg	SN	Senegal
AU	Australia	GA	Gabon	LV	Latvia	SZ	Swaziland
AZ	Azerbaijan	GB	United Kingdom	MC	Monaco	TD	Chad
BA	Bosnia and Herzegovina	GE	Georgia	MD	Republic of Moldova	TG	Togo
BB	Barbados	GH	Ghana	MG	Madagascar	TJ	Tajikistan
BE	Belgium	GN	Guinea	MK	The former Yugoslav Republic of Macedonia	TM	Turkmenistan
BF	Burkina Faso	GR	Greece	ML	Mali	TR	Turkey
BG	Bulgaria	HU	Hungary	MN	Mongolia	TT	Trinidad and Tobago
BJ	Benin	IE	Ireland	MR	Mauritania	UA	Ukraine
BR	Brazil	IL	Israel	MW	Malawi	UG	Uganda
BY	Belarus	IS	Iceland	MX	Mexico	US	United States of America
CA	Canada	IT	Italy	NE	Niger	UZ	Uzbekistan
CF	Central African Republic	JP	Japan	NL	Netherlands	VN	Viet Nam
CG	Congo	KE	Kenya	NO	Norway	YU	Yugoslavia
CH	Switzerland	KG	Kyrgyzstan	NZ	New Zealand	ZW	Zimbabwe
CI	Côte d'Ivoire	KP	Democratic People's Republic of Korea	PL	Poland		
CM	Cameroon	KR	Republic of Korea	PT	Portugal		
CN	China	KZ	Kazakhstan	RO	Romania		
CU	Cuba	LC	Saint Lucia	RU	Russian Federation		
CZ	Czech Republic	LI	Liechtenstein	SD	Sudan		
DE	Germany	LK	Sri Lanka	SE	Sweden		
DK	Denmark	LR	Liberia	SG	Singapore		

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/16950

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 7 A61M1/00 A61B17/00

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 A61M A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 772 261 A (MAGRAM GARY) 30 June 1998 (1998-06-30) abstract; figures 15,16	1,2,4, 16,17
A	---	49
X	DE 195 18 801 A (SCHALLER GUENTER) 28 November 1996 (1996-11-28)	1,2,4,5, 17-20, 22,23, 32,33, 35-38,46
A	the whole document ---	49 -/-

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

<sup>1</sup> Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

9 November 1999

15/11/1999

Name and mailing address of the ISA  
European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Sedy, R

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/16950

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 728 078 A (POWERS JR CARLETON A) 17 March 1998 (1998-03-17) column 4, line 32 column 6, paragraphs 4,6 figures	1,2,4,6, 12,14,46
A	---	7,21,27, 28,30,49
A	WO 97 36622 A (SYNECHION TILTON JOINT VENTURE ;TILTON EUGENE B JR (US)) 9 October 1997 (1997-10-09) figures 23,23A	1,2,5, 46,49
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## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 99/16950

### Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: 3, 9, 10, 11, 47, 48  
because they relate to subject matter not required to be searched by this Authority, namely:  
RULE 39.1(iv) PCT-Method for treatment of the human or animal body by surgery
2.  Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 99/16950

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